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Part II

Department of Transportation

Materials Transportation Bureau and Research and Special Programs Administration

Hazardous Materials, Forbidden Materials, and United Nations Shipping Descriptions

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 172]

[Docket No. HM-126A; Notice No. 79-9]

Display of Hazardous Materials Identification Numbers; Improved Emergency Response Capability; Descriptions for Organic Peroxides; Extension of Comment Period

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Materials Transportation Bureau (MTB) published a notice of proposed rulemaking in the **Federal Register** on June 7, 1979 (44 FR 32972; Docket No. HM-126A: Notice No. 79-9), proposing the adoption of a numerical identification system for hazardous materials transported in commerce. The purpose of the proposed regulations is to improve the capability of emergency response personnel (fire, police, et al.) to quickly identify hazardous materials and to assure the accurate transmission of information to and from the scenes of accidents involving hazardous materials.

The MTB proposes in this additional proposal to list each organic peroxide (with identification number) that may be shipped in commerce in order that the different kinds of risks presented by these materials may be recognized during implementation of emergency response procedures.

DATES: Comments, on this additional proposal and comments on Notice No. 79-9 published on June 7, 1979, must be received on or before October 18, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, Washington, D.C. 20590 (telephone: 202-472-2726). It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Standards Division, Office of Hazardous, Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, 202-426-5056.

SUPPLEMENTARY INFORMATION: The MTB is developing a rulemaking proposal for future publication that will pertain to organic peroxides. It will be primarily addressed to packaging and special shipping requirements. Considering its recent proposal under this Docket pertaining to the display of hazardous materials identification numbers to provide an improved emergency response capability, the MTB believes that, during the interim, it is necessary that most of the organic peroxides that may be shipped in commerce be separately identified and assigned individual identification numbers. This will provide the capability to give separate recognition to the different risks posed by organic peroxides, such as (1) the differing degrees of thermal sensitivity; (2) violence of thermal decomposition; (3) susceptibility to ignition by friction; (4) flammability; and (5) corrosivity.

Approximately 135 organic peroxide entries would be added to the Hazardous Materials Table. Although packaging would not be listed for each new organic peroxide entry, each is cross-referenced to an entry that is already in the Table that has packaging and other requirements which are applicable to the new entry. Each of the new entries has an identification number which would be entered with the name of the material on shipping papers and packages. The identification numbers would be used as a basis for referencing appropriate emergency response information. Certain United Nations and IMCO entries contain concentrations that are greater than those authorized by the DOT regulations and thus would not be acceptable for transportation in the higher concentrations. For example, diisopropylbenzene hydroperoxide has a maximum of 72 percent in solution in the IMCO entry whereas only 60 percent peroxide is authorized in the entry in Section 172.101. Therefore, only a maximum of 60 percent peroxide may be offered for transportation or transported under the DOT regulations.

Paragraph (b)(5) of Section 172.100 would be revised to establish a requirement for entering on a shipping paper, and marking on the package, the technical name of each organic peroxide offered for transportation. While the proper shipping name derives from the technical name entry for each organic peroxide, the organic peroxide entry referenced by the word "see" would continue to contain the requirements for columns 4, 5, 6, and 7 in Section 172.101 until a complete rulemaking proposal for organic peroxides is developed, proposed, and adopted. In light of the proposals made in this Notice, and in consideration of a number of requests for further time to comment on Notice No. 79-9, the MTB is extending the comment period on that Notice to coincide with the closing date for comments on this Notice.

The primary drafters of this Notice are Charles W. Schultz and Lee E. Metcalfe of the Materials Transportation Bureau.

In consideration of the foregoing, it is proposed to amend Part 172 of Title 49, Code of Federal Regulations as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.100 paragraph (b)(5) would be revised to read as follows:

§ 172.100 Purpose and use of the table.

* * * * *

(b) * * *

(5) Except for organic peroxides, when one entry references another entry by use of a "*see*", if both names are in Roman type, either name may be used as a proper shipping name (e.g., Isopropanol *see* Alcohol, n.o.s.). For an organic peroxide, the technical name shall be used as its proper shipping name.

* * * * *

2. Section 172.101, the Hazardous Materials Table, would be revised by the addition of the following entries in their appropriate alphabetical sequence in Column 2 with the accompanying identification number for each in Column 3.

§ 172.101 Hazardous materials table. [Amended]

2080 Acetylacetone peroxide *(3,5-Dimethyl-3,5-dihydroxydioxolane-1,2), maximum concentration 40 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2081 Acetylbenzoyl peroxide. *See* Acetyl benzoyl peroxide solution, *not over 40% peroxide.*

2083 Acetyl cyclohexanesulphonyl peroxide, *maximum concentration 32 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2082 Acetyl cyclohexanesulphonyl peroxide, *maximum concentration 82 percent, wetted with minimum 12 percent water. See* Organic peroxide, solid, n.o.s.

2084 Acetyl peroxide. *See* Acetyl peroxide, solution, *not over 25%* peroxide.

2891 tert-Amyl-perneodecanoate, *with at least 25 percent phlegmatizer. See* Organic peroxide, liquid *or* solution, n.o.s.

2898 tert-Amylperoxy-2-ethylhexanoate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2089 Benzoyl peroxide, *from 30 percent to maximum 50 percent with inert solid. See* Benzoyl peroxide.

2087 Benzoyl peroxide, *not more than 72 percent as a paste. See* Benzoyl peroxide.

2086 Benzoyl peroxide, *more than 72 percent but less than 95 percent as a paste. See* Benzoyl peroxide.

2090 Benzoyl peroxide *not more than 77 percent with water. See* Benzoyl peroxide.

2088 Benzoyl peroxide, *more than 77 percent but less than 95 percent with water. See* Benzoyl peroxide.

2085 Benzoyl peroxide, *technical pure or more than 52 percent with inert solid. See* Benzoyl peroxide.

2894 Bis(4-tert-butylcyclohexyl) peroxydicarbonate, *maximum concentration 42 percent, stable dispersion in water. See* Organic peroxide, liquid *or* solution, n.o.s.

2154 Bis(4-tert-butylcyclohexyl) peroxydicarbonate, *technical pure. See* Organic peroxide, solid, n.o.s.

2111 2,2-Bis(tert-butylperoxy)butane, *maximum concentration 55 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2885 1,1-Bis(tert-butylperoxy)cyclohexane, *with at least 13 percent phlegmatizer and 47 percent inorganic inert solid. See* Organic peroxide, solid, n.o.s.

2897 1,1-Bis(tert-butylperoxy)cyclohexane, *with at least 50 percent phlegmatizer. See* Organic peroxide, liquid *or* solution, n.o.s.

2180 1,1-Bis(tert-butylperoxy)cyclohexane, *maximum, 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2181 1,2-Bis(tert-butylperoxy)cyclohexane, *maximum 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2179 1,1-Bis(tert-butylperoxy)cyclohexane, *technical pure. See* Organic peroxide, solid, n.o.s.

2112 1,4-Bis(2-tert-butylperoxyisopropyl)benzene, 1,3-Bis(2-tert-butylperoxyisopropyl)benzene, *and mixtures thereof, technical pure or more than 40 percent inert solid. See* Organic peroxide, solid, n.o.s.

2146 1,1-Bis(tert-butylperoxy)-3,3,5-trimethylcyclohexane, *maximum 57 percent in solvent. See* Organic peroxide, liquid *or* solution, n.o.s.

2147 1,1-Bis(tert-butylperoxy)-3,3,5-trimethylcyclohexane, *maximum 58 percent with inert solid. See* Organic peroxide, solid, n.o.s.

2145 1,1-Bis(tert-butylperoxy)-3,3,5-trimethylcyclohexane, *technical pure. See* Organic peroxide, liquid *or* solution n.o.s.

2884 2,2-Bis(tert-butylperoxy)propane *with at least 13 percent phlegmatizer and 47 percent inert solid. See* Organic peroxide, solid, n.o.s.

2883 2,2-Bis(tert-butylperoxy)propane *with at least 50 percent phlegmatizer. See* Organic peroxide, liquid *or* solution, n.o.s.

2168 2,2-Bis(4,4-di-tert-butylperoxycyclohexyl)propane, *maximum 42 percent with inert solid. See* Organic peroxide, solid, n.o.s.

2148 Bis(1-hydroxycyclohexyl) peroxide, *technical pure. See* Organic peroxide, solid, n.o.s.

2889 Bis(isotridecyl)peroxydicarbonate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2593 Bis(2-methylbenzoyl) peroxide, *with at least 15 percent water. See* Organic peroxide, solid, n.o.s.

2597 Bis(3,5,4,-trimethyl-1,2-dioxolanyl-3) peroxide *as a paste with at least 50 percent phlegmatizer. See* Organic peroxide, solid, n.o.s.

2128 Bis(3,5,5-trimethylhexanoyl) peroxide, *technical pure or in solution. See* Organic peroxide, liguid *or* solution, n.o.s.

2141 n-Butyl-4,4-bis(tert-butylperoxy)valerate, *maximum 52 percent with inert solid. See* Organic peroxide, solid, n.o.s.

2140 n-Butyl-4,4-bis(tert-butylperoxy)valerate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2093 tert-Butyl hydroperoxide, *maximum 72 percent with water. See* Organic peroxide, liquid *or* solution, n.o.s.

2094 tert-Butyl hydroperoxide, *over 72 percent to maximum 90 percent with water. See* Organic peroxide, liquid *or* solution, n.o.s.

2092 tert-Butyl hydroperoxide, *maximum 80 percent* in Di-tert-butyl peroxide and solvent. *See* Organic peroxide, liquid *or* solution, n.o.s.

2092 tert-Butyl hydroperoxide, *maximum 80 percent* in Di-test-butyl peroxide *or* solvent. *See* Organic peroxide, liquid *or* solution, n.o.s.

2105 tert-Butyl monoperphthalate, *technical pure. See* Organic peroxide, solid, n.o.s.

2096 tert-Butyl peracetate, *maximum concentration 52 percent solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2095 tert-Butyl peracetate, *maximum concentration 76 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2890 tert-Butyl perbenzoate, *with at least 50 percent inert organic solid. See* Organic peroxide, solid, n.o.s.

2098 tert-Butyl perbenzoate, *maximum concentration 75 percent in solution.* See Organic peroxide, liquid *or* solution, n.o.s.

2097 tert-Butyl perbenzoate, *technical pure or more than 75 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2183 tert-Butyl percrotonate, *maximum 76 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2887 tert-Butylper(2,2-ethyl)hexanoate, *maximum 12 percent and* 2,2-Bis(tert-butylperoxy)butane, *maximum concentration 14 percent with at least 14 percent phlegmatizer and 60 percent inert inorganic solid. See* Organic peroxide, solid, n.o.s.

2886 tert-Butylper(2-ethyl)hexanoate, *maximum concentration 30 percent and* 2,2-Bis(tert-butylperoxy)butane, *maximum concentration 35 percent with at least 35 percent phlegmatizer. See* Organic peroxide, liquid *or* solution, n.o.s.

2888 tert-Butylper(2-ethyl)hexanoate, *with at least 50 percent phlegmatizer. See* Organic peroxide, liquid *or* solution, n.o.s.

2143 tert-Butylper(2-ethyl)hexanoate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2562 tert-Btylperisobutyrate, *maximum 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2142 tert-Butylperisobutyrate, *more than 52 percent but not more than 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2100 tert-Butyl permaleate, *maximum concentration 55 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2101 tert-Butyl permaleate, *maximum 55 percent in paste. See* Organic peroxide, solid, n.o.s.

2099 tert-Butyl permaleate, *technical pure. See* Organic peroxide, solid, n.o.s.

2177 tert-Butyl perneodecanoate, *maximum concentration 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2594 tert-Butyl perneodecanoate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2170 n-Butyl peroxydicarbonate, *maximum concentration 27 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2169 n-Butyl peroxydicarbonate, *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2551 tert-Butyl peroxydiethylacetate, maximum *33 percent with* tert-Butyl perbenzoate, *maximum 33 percent and solvent. See* Organic peroxide, liquid *or* solution, n.o.s.

2144 tert-Butyl peroxydiethylacetate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2103 tert-Butyl peroxy isopropyl carbonate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2596 3-tert-Butylperoxy-3-phenylphthalide. *See* Organic peroxide, solid, n.o.s.

2104 tert-Butyl peroxy-3,5,5-trimethyl hexanoate, (*tert-butyl perisononanoate*), *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2110 tert-Butyl perpivalate, *maximum concentration 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2115 p-Chlorobenzoyl peroxide, *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2114 p-Chlorobenzoyl peroxide, *maximum 52 percent as a paste. See* Chlorobenzoyl peroxide.

2113 p-Chlorobenzoyl peroxide, *maximum 75 percent with water. See* Chlorobenzoyl peroxide.

2755 3-Chloroperoxybenzoic acid, *maximum concentration 86 percent. See* Organic peroxide, liquid *or* solution, n.o.s.

2118 Cyclohexanone peroxide, *maximum 72 percent in solution with not more than 9 percent available oxygen. See*

Cyclohexanone peroxide, *50 to 85% peroxide.*

2896 Cyclohexanone peroxide, *maximum 72 percent as a paste with not more than 9 percent available oxygen. See* Cyclohexanone peroxide, *50 to 85% peroxide.*

2120 Decanoyl peroxide, *technical pure. See* Organic peroxide, solid, n.o.s.

2163 Diacetone alcohol peroxide, *maximum 57 percent in solution with maximum 9 percent hydrogen peroxide, minimum 26 percent diacetone alcohol and minimum 9 percent water; total active oxygen content maximum 10 percent. See* Organic peroxide, liquid *or* solution, n.o.s.

2149 Dibenzyl peroxydicarbonate, *maximum 87 percent with water. See* Organic peroxide, solid, n.o.s.

2107 Di-tert-butyl diperphthalate, *maximum concentration 55 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2108 Di-tert-butyl diperphthalate, *maximum 55 percent as a paste. See* Organic peroxide, solid, n.o.s.

2106 Di-tert-butyl diperphthalate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2102 Di-tert-butyl peroxide *or* tert-Butyl peroxide, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2151 Di-sec-butyl peroxydicarbonate, *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2150 Di-sec-butyl peroxydicarbonate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2895 Dicetyl peroxydicarbonate, *maximum concentration 42 percent, stable dispersion in water. See* Organic peroxide, liquid *or* solution, n.o.s.

2164 Dicetyl peroxydicarbonate, *technical pure. See* Organic peroxide, solid, n.o.s.

2137 2,4-Dichlorobenzoyl peroxide, *maximum 75 percent with water. See* Organic peroxide, solid, n.o.s.

2139 2,4-Dichlorobenzoyl peroxide, *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2138 2,4-Dichlorobenzoyl peroxide, *maximum 52 percent as a paste. See* Organic peroxide, solid, n.o.s.

2121 Dicumyl peroxide, *technical pure or in a mixture with inert solid. See* Dicumyl peroxide, dry.

2153 Dicyclohexyl peroxydicarbonate, *maximum 91 percent with water. See* Organic peroxide, solid, n.o.s.

2152 Dicyclohexyl peroxydicarbonate, *technical pure. See* Organic peroxide, solid, n.o.s.

2123 Di(2-ethylhexyl) peroxydicarbonate, *maximum concentration 67 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2122 Di(2-ethylhexyl) peroxydicarbonate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2175 Diethyl peroxydicarbonate, *maximum concentration 27 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2178 2,2-Dihydroperoxypropane, *maximum 25 percent with inert organic solid. See* Organic peroxide, solid, n.o.s.

2182 Diisobutyryl peroxide, *maximum 52 percent in solution. See* organic peroxide, liquid *or* solution, n.o.s.

2171 Diisopropylbenzene hydroperoxide, *solution. See* Diisopropylbenzene hydroperoxide solution, *not over 60% peroxide.*

2156 2,5-Dimethyl-2,5-bis(tert-butylperoxy)hexane, *maximum 52 percent with - inert solid. See* Organic peroxide, solid n.o.s.

2155 2,5-Dimethyl-2,5-bis(tert-butylperoxy)hexane, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2159 2,5-Dimethyl-2,5-bis(tert-butylperoxy)hexyne-3, *maximum 52 percent with inert solid. See* Organic peroxide, solid, n.o.s.

2158 2,5-Dimethyl-2,5-bis(tert-butylperoxy)hexyne-3, *technical pure. See* Organic peroxide, solid, n.o.s.

2157 2,5-Dimethyl-2,5-bis(2-ethylhexanoylperoxy)hexane, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2173 2,5-Dimethyl-2,5-di(benzoylperoxy)hexane, *maximum 82 percent with - inert solid. See* Organic peroxide, solid, n.o.s.

2172 2,5-Dimethyl-2,5-di(benzoylperoxy)hexane, *technical pure. See* Organic peroxide, solid, n.o.s.

2174 2,5-Dimethyl-2,5-dihydroperoxyhexane. *See* Dimethylhexane dihydroperoxide (*with 30% or more water*).

2892 Dimyristyl peroxydicarbonate, *maximum 22 percent, stable dispersion - in water. See* Organic peroxide, liquid *or* solution, n.o.s.

2595 Dimyristyl peroxydicarbonate, *technical pure. See* Organic peroxide, solid, n.o.s.

2130 Di-n-nonanoyl peroxide *or* pelargonyl peroxide, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2176 Di-n-propyl peroxydicarbonate, *technical pure. See* Organic peroxide, solid, n.o.s.

2592 Distearyl peroxydicarbonate, *with 15 percent stearyl alcohol. See* Organic peroxide, solid, n.o.s.

2598 Ethyl 3,3-bis(tert-butylperoxy)butyrate, *with at least 50 percent of inert, inorganic solid. See* Organic peroxide, solid, n.o.s.

2185 Ethyl 3,3-bis(tert-butylperoxy)butyrate, *maximum 77 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2184 Ethyl 3,3-bis(tert-butylproxy)butyrate, *technical pure. See* Organic peroxide, solid, n.o.s.

2166 3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane, *maximum 52 percent with inert solid. See* Organic peroxide, solid, n.o.s.

2167 3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane, *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2165 3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane, *technical pure. See* Organic peroxide, solid, n.o.s.

2118 1-Hydroxy-1'-hydroperoxydicyclohexyl peroxide, *technical pure and mixtures with* bis(1-hydroxycyclohexyl) peroxide or Cyclohexanone peroxide, *maximum 72 percent as a paste or in solution. See* Cyclohexanone peroxide, *50 to 85% peroxide.*

2117 1-Hydroxy-1'-hydroperoxydicyclohexyl peroxide, *technical pure and mixtures with* bis(1-hydroxycyclohexyl) peroxide *or* Cyclohexanone peroxide. *See* Cyclohexanone peroxide, *50 to 85% peroxide.*

2119 1-Hydroxy-1'-hydroperoxydicyclohexyl peroxide, *technical pure, and mixtures with* bis(1-hydroxycyclohexyl) peroxide *or* Cyclohexanone peroxide. *See* Cyclohexanone peroxide, *50 to 85% peroxide.*

2134 Isopropyl peroxydicarbonate *maximum concentration 52 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2133 Isopropyl peroxydicarbonate, *technical pure. See* Isopropyl percarbonate, unstabilized.

2124 Lauroyl peroxide, *technical pure. See* Lauroyl peroxide.

2893 Lauroyl peroxide, *maximum concentration 42 percent, stable dispersion in water. See* Organic peroxide, liquid *or* solution, n.o.s.

2550 Methyl ethyl ketone peroxide, *maximum concentration 50 percent with not more than 10 percent available oxygen. See* Organic peroxide, liquid, *or* solution, n.o.s.

2563 Methyl ethyl ketone peroxide, *maximum 50 percent with more than 10 percent available oxygen. See* Organic peroxide, liquid *or* solution, n.o.s.

2127 Methyl ethyl ketone peroxide, *maximum 60 percent. See* Organic peroxide, liquid *or* solution, n.o.s.

2126 Methyl isobutyl ketone peroxide, *maximum concentration 62 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2756 Organic peroxide, *mixture. See* Organic peroxide, solid, n.o.s. *or* Organic peroxide, liquid *or* solution, n.o.s. *as appropriate.*

2255 Organic peroxide, sample n.o.s. *See* Organic peroxide, solid, n.o.s. *or* Organic peroxide, liquid *or* solution, n.o.s. *as appropriate.*

2899 Organic peroxide, trial quantity, n.o.s. *See* Organic peroxide, solid, n.o.s. *or* Organic peroxide, liquid *or* solution, n.o.s. *as appropriate.*

2131 Peracetic acid solution. *See* Peracetic acid solution, *not over 40% peracetic acid and not over 6% hydrogen peroxide.*

2132 Propionyl peroxide, *maximum concentration 28 percent in solution. See* Organic peroxide, liquid *or* solution, n.o.s.

2135 Succinic acid peroxide, *technical pure. See* succinic acid peroxide.

2136 Tetralin hydroperoxide, *technical pure. See* Organic peroxide, solid, n.o.s.

2160 1,1,3,3-Tetramethylbutyl hydroperoxide, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

2161 1,1,3,3-Tetramethyl butylperoxy-2-ethyl hexanoate, *technical pure. See* Organic peroxide, liquid *or* solution, n.o.s.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A to Part 106.

Note.—The Materials Transportation Bureau has determined that the proposals in the notice, if implemented, would not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583) nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. on July 13, 1979.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-22370 Filed 7-25-79; 8:45 am]

BILLING CODE 4910-60-M

[49 CFR Parts 172 and 173]

[Docket No. HM-159; Notice No. 79-12]

Forbidden Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to add the names of materials to the Hazardous Materials Table (49 CFR 172.101) that the MTB considers to be too hazardous to be permitted in commercial transportation. The proposed addition of materials to the Table has been modified in this notice based on comments received on the Advance Notice of Proposed Rulemaking published in the **Federal Register** on February 23, 1978 (43 FR 7449). Also, it is proposed that N-methyl-N'-nitro-N-nitrosoguanidine be listed in the Table as a flammable solid and a new § 173.179 be added prescribing the packaging requirements for this material. In addition, the MTB is proposing certain changes to §§ 173.21 and 173.51 pertaining to forbidden materials and packaging.

DATE: Comments must be received on or before October 18, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Charles W. Schultz, Technical Division, Office of Hazardous Materials, Regulation, 2100 Second Street, S.W., Washington, D.C. 20590, phone 202-755-4906.

SUPPLEMENTARY INFORMATION: On February 23, 1978, the MTB published an Advance Notice of Proposed Rulemaking (43 FR 7449) concerning materials which are believed to be too hazardous to be permitted in commercial transportation. The Advance Notice included four lists of materials and requested that the public comment on the following three questions:

1. Should the Hazardous Materials Table be the consolidated central location for the listing of forbidden materials by chemical name or should that listing be placed in a separate section?

2. What, if any, additional materials should be identified in the regulations as forbidden?

3. Are there any materials listed in this notice which do not meet the regulatory criteria making them a forbidden material? If so, identify these materials and explain why they should not be considered forbidden materials.

A total of fifty-three comments were received and evaluated. Only one commenter was opposed to having a list of forbidden materials. The reasons for this opposition were that no list could be complete, the absence of a specific chemical from the list would imply that it is not forbidden, and there is no need for a list because the regulations provide criteria for prohibiting certain materials from being transported. The MTB disagrees and believes that all known materials considered to be too hazardous for transportation should be included in a list. This has been done previously, however, the list has not been as extensive as the list presently proposed.

All other commenters were in favor of incorporating forbidden materials in Title 49, Code of Federal Regulations (49 CFR). Thirteen commenters stated that these materials should only be placed alphabetically in only 49 CFR 172.101 based on the fact that there should only be a single source list for all hazardous materials. Four commenters suggested that a separate list be provided in some other section of the regulations. This was based on the belief that a separate section would be easier to use and would more easily identify these materials. Five commenters stated that the forbidden materials should be put in both 49 CFR 172.101 and another section. The basis for this position is that the commenters felt that all materials should be included in the Table in § 172.101 but that the list of forbidden materials also be included in a separate section so that persons could more easily determine which materials are forbidden without a complete review of the Table in § 172.101. The MTB believes that placing the names of forbidden materials only in § 172.101 is better than the other two alternatives because: (1) A person using the regulations should start at the Hazardous Materials Table and if it is noted that a material is forbidden he does not have to look any further; (2) A person using the regulations could possibly overlook the forbidden materials if they were in a separate section; and (3) Placing the materials in both § 172.101 and another section results in unnecessary duplication of regulations, causes confusion, and does not contribute appreciably to safety.

Two commenters were concerned that if a material was shown as forbidden this would mean that solutions of that material or devices containing that material would also be forbidden. This is not the intent of the MTB and this is made clear in the proposed change to § 172.100.

Two commenters stated that certain triazoles have properties which would indicate they are forbidden but other triazole compounds do not have such properties. Pending further detailed investigation into these chemicals, triazoles are being removed from the proposed list. The same situation exists with triazones which were also deleted from the proposal.

One commenter submitted reports form the Bureau of Explosives (B of E) which classed the material, Bis 2-fluoro-2,2-dinitro ethylformal, (FEFO), as a Class A explosive. The MTB is in agreement with the report and, therefore, this material has been deleted from this proposed list as a forbidden material.

One commenter suggested that the material, nitroisobutanetriol trinitrate, be added to the list and another commenter stated that the material, t-butoxy-carbonylazide, should be added. Based on the information submitted on each of these materials, they have been added as forbidden materials. Two commenters recommended that the concentration of ketone peroxides be expressed in terms of active oxygen, rather than percentage of peroxide, and that the active oxygen content of these materials be limited to 9 percent. The MTB agrees with the data submitted and has incorporated such changes in this notice.